1	NOMINATION OF STEPHEN T. AYERS. AIA, LEED, AP
2	TO BE ARCHITECT OF THE CAPITOL
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4	THURSDAY, April 15, 2010
5	United States Senate
6	Committee on Rules and Administration
7	Washington, D.C
8	The Committee met, pursuant to notice, at 10:03 a.m., in Room 301, Russell
9	Senate Office Building, Hon. Mark L. Pryor presiding.
10	Senators Present: Schumer, Pryor, Bennett, and Cochran.
11	Staff Present: Jean Bordewich, Staff Director; Jennifer Griffith, Deputy Staff
12	Director; Jason Abel, Chief Counsel; Josh Brekenfeld, Professional Staff; Lauryn Bruck,
13	Professional Staff; Lynden Armstrong, Chief Clerk; Matthew McGowan, Professional
14	Staff; Justin Perkins, Staff Assistant; Mary Jones, Republican Staff Director; Shaun Parkin
15	Republican Deputy Staff Director; Paul Vinovich, Republican Chief Counsel; Abbie Platt,
16	Republican Professional Staff; Trish Kent, Professional Staff; and Rachel Creviston,
17	Republican Professional Staff.
18	Senator Pryor. I will call our Rules Committee to order. I want to thank
19	everyone for being here today. Mr. Ayers, I especially want to thank you for being
20	here and I am going to chair the hearing today but I would like to turn it over to the real
21	chairman of the hearing who has to slip away because of his schedule. But Senator

Schumer.

So we have a lot of history here.

#### OPENING STATEMENT OF CHAIRMAN SCHUMER

Chairman Schumer. Thank you. Well, I want to thank you. First, I want to thank Senator Pryor for chairing the hearing. He's the head of the relevant subcommittee so I told Mr. Ayers he is the guy you have got to pay attention to around here. And I certainly want to thank my friend and colleague and just a fine man and outstanding senator, Senator Bennett, for being here as well.

And of course, I want to welcome you, our nominee Stephen Ayers. Now Mr.

Ayers has been serving as the Acting Architect to the Capitol for three years and is here
to be confirmed to a ten-year term as the Architect of the Capitol. He's been joined
today by his family: his wife Jennifer, his daughter Stephanie, his son Nick, his parents
Ben and Jane, parents-in-law Chuck and Shirl. We have another Chuck, very nice.

I don't know if Chuck here, my mother didn't want me to be called Charlie so I ended up being Chuck.

Brother Ben, sister Jennifer. Welcome to you all.

The history of the Office of the Architect to the Capitol as you know is as old as the building itself. Individuals who have held the title, have been instrumental in shaping our Nation's Capitol from its early beginnings into the working symbol of democracy as we see it today. William Thornton is recognized as the first Architect to the Capitol because his design of the Capitol was chosen by George Washington in 1793.

Over the next decade three men were hired to oversee the Capitol's construction. This is a big job.

Today the Architect to the Capitol employs over 2,600 staff, manages a budget of \$600 million a year. And I want to say this, Mr. Ayers' nomination by the President came after a rigorous bipartisan and bicameral selection process that began in the Fall of 2006, three and a half years ago.

The nomination was approved by the President Pro Tem of the Senate, the Speaker of the House, the Majority and Minority Leaders of both houses, the Chairman and Ranking Member of the Committee on House Administration, the Chair and Ranking Members of the House and Senate Appropriations Committee, and of course, by the Chair and Ranking Members of this committee.

And I do want to say this; Mr. Ayers has had wide acclaim. Just about everybody wanted to see him become the Architect to the Capitol so there was very controversy and, of course, it was a long and rigorous process with other candidates but Mr. Ayers came through with flying colors. This wasn't one of the, where there was, you know, three and each one had its strengths and weaknesses. Mr. Ayers was all strengths.

Mark will go over his history I guess. You career history, so I'll just add that to the record and welcome him and thank him for being here and look forward to his being installed as Architect to the Capitol and working with him in the years to come.

Senator Pryor.

64	Senator Pryor.	Thank you.
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- 65 Chairman Schumer. And I apologize to everybody. I have to get on my way.
- 66 Mr. Ayers. Thank you Mr. Chairman.
- Senator Pryor. Thank you very much for your leadership. Senator Bennett,

  would you like to make an opening statement?

### **OPENING STATEMENT OF SENATOR BENNETT**

Senator Bennett. Thank you very much. As Chairman Schumer has indicated, this has been a three year job interview. The process started and I was new to this position on the Rules Committee and we did indeed start out with a fairly long list of candidates and we would come to a conclusion this is what we think it ought to be and then the House would say, no we don't like that one and then members of this committee would say well, we prefer this one to that one and we would settle on somebody and then someone else would not like it.

And the one steadying influence through all of that turmoil was the fact that Stephen Ayers as Acting Architect was keeping the doors open, the lights on and things going forward. And it emerged out of all of that experience that we had a very competent Architect to the Capitol and why were we looking around? And why didn't we stay with what we had?

It took a little while to convince everybody that that was the thing that we should do, but it became very clear that that is the thing that we should do. So this is turning into a testimonial rather than a hearing, I almost said roast, but it is not.

# [Laughter.]

Senator Bennett. Not that kind of thing. The thing that I would like to put in the record, is that during this three year long job interview and in the period prior to that when Stephen Ayers was the Deputy Architect to the Capitol it was not a time of calm and serenity around here. It was a time of great controversy as we were involved in the largest addition to the Capitol in the history of the Capitol.

The Capitol Visitor Center added more square footage to the Capitol than any other change in the Capitol in its history and it was controversial for a variety of reasons, some of them political, some of them financial, some of them aesthetic and a steady hand as I say to keep the thing moving along intelligently was necessary.

Alan Hantman, who was the Architect to the Capitol deserves credit for the work he did there, but his Deputy was a very, very important part of keeping the thing online and going forward in a legitimate fashion and then when Mr. Hantman stepped down, taking over the responsibility of making sure that it opened in an intelligent fashion.

And we can look back on it now as often happens in history, when you look back on things that were controversial and say, Boy, we're really glad we did it. We're really glad that this was handled in such a way and that kind of erases the historical memory of how difficult it was to do it.

But we now have the statistics that show that visitors to the Capitol have increased by over a 100 percent and I am sure the visitor experience has gotten better, particularly as we are coming into the summer by far more than a 100 percent, because

I remember the lines in the heat with people waiting for hours standing in line to get into the Capitol with the possibility of any kind of problem. The security challenge after 9/11 of having crowds out on the plaza with no physical protection and a huge target for a terrorist attack.

Now all of that is gone. The plaza is back looking better than it did before and the square footage of the Capitol Visitor Center accommodating twice as many visitors in a secure area, air-conditioned, plenty of rest rooms, all of the other things which future generations will take for granted as part of the Capitol Visitor's experience and have no memory of how difficult things used to be.

And yes, those who came before him made a very significant contribution to that but Stephen Ayers played a very significant role in seeing to it that we got what we have and it is only fitting now that we have it, that he be continued for another ten years so that when the plumbing starts to leak he will know where to go to fix it. And I am happy to join with the Chairman and Stephen in welcoming you here. Telling you this appointment is long overdue and adding my endorsement to the assignment.

Senator Pryor. Thank you Senator Bennett. Senator Cochran, do you have an opening statement?

# **OPENING STATEMENT OF SENATOR COCHRAN**

Senator Cochran. Mr. Chairman, thank you. I am glad to be able to come by and congratulate Stephen Ayers for his nomination and his imminent confirmation as Architect of the Capitol. This has, as my good friend from Utah said, it has been a long

and arduous journey, but I am glad to see that it has turned out as it has and that we are going to be able to have a full fledged, confirmed Architect of the Capitol finally and to thank him for his patience in his demeanor throughout all of this.

Just enormously impressive for many reasons. Those of us who have been on the Rules Committee for awhile and have attended a lot of the hearings and engaged in a lot of conversations, not just about who should be the Architect, but the redesigning of the Capitol. A huge job.

And I think Mr. Ayers deserves our accolades and compliments on a successful completion of that work as well. So that is why I am here Mr. Chairman and I am glad to join you and Senator Bennett in the work of this committee and the confirmation of this outstanding new Architect of the Capitol. You can strike out the word "acting" now.

Senator Cochran, do you want to make a statement?

# **OPENING STATEMENT OF SENATOR PRYOR**

Senator Pryor. Thank you. Thanks Senator Cochran. I do have a longer statement for the record, but let me just say a few words here. If confirmed Mr. Ayers will become the 11th Architect of the Capitol. He graduated from the University of Maryland with a degree in Architecture and received his Masters degree in Systems Management from the University of Southern California.

Mr. Ayers served as an officer in the U.S. Air Force, was promoted to Captain and

received the Meritorious Service Medal for his five years of military service.

The nominee is no stranger to the Architect's organization. In 1997 he joined the Office of the Architect of the Capitol as an Assistant Superintendent of the Senate Office Buildings and was later promoted to Deputy Superintendent. His next job took him across the street to the Library of Congress where he assumed the position of the Superintendent of the Library buildings and grounds in 2002. He was named Deputy Architect of the Capitol in 2006 and in 2007 he became Acting Architect to the Capitol.

Since that time Mr. Ayers successfully negotiated a settlement with the Office of

Compliance addressing asbestos and hazard mitigation in the Capitol Power Plant's utility tunnels and improved the Agency's performance-based Strategic Plan for fiscal years 2007 through 2011.

When Mr. Ayers assumed the role of Acting Architect, there was no projected date for completing the construction of the Capitol Visitor Center. He set and met a date for the substantial completion of this building. Under his leadership the Architect's office successfully completed the Fire and Life Safety Systems Testing, which was required before the facility could open and on December 2, 2008 the long awaited Capitol Visitor Center opened its doors to the public.

Under the nominee's leadership as Acting Architect and in his previous role as

Deputy Architect, Chief Operating Officer, the Agency improved cost accounting

procedures and internal controls and has received five consecutive, clean financial audits.

169	And, again, I have a longer statement for the record, but I say those things just to
170	demonstrate that this is the right person for this job and we are so happy to have you
171	with us today and what I will do now is ask you to stand and raise your right hand and I
172	will administer the oath.
173	Do you swear that the testimony you are to provide is the truth, the whole truth
174	and nothing but the truth, so help you God?
175	Mr. Ayers. I do.
176	Senator Pryor. Please be seated.
177	I have just a few questions, but I would like to hear your opening statement first
178	please.

179	TESTIMONY OF STEPHEN T. AYERS, AIA, LEED AP, TO BE ARCHITECT OF
180	THE CAPITOL
181	Mr. Ayers. Well, thank you so much Mr. Chairman, Senator Bennett and
182	Senator Cochran.
183	It is an honor and a real privilege for me to be here today as the Presidential
184	Nominee for the position of Architect to the Capitol and I would like to first extend my
185	sincerest thanks and gratitude to all of the members of the Nominating Committee for
186	recommending me to President Obama to serve as the 11th Architect to the Capitol.
187	I truly appreciate the trust that the Congress and the President have placed in
188	me.
189	As the Chairman noted, I am joined here today by my wonderful family and it is
190	because of their love and support that I have been able to pursue a career in public
191	service and I really appreciate them being here today to continue that supportive role.
192	As the Chairman noted I have served as Acting Architect since 2007 and in this
193	role I think I have been able to combine two of my important skill sets.  That first of
194	course, of being a licensed architect and secondly one that focuses on business
195	management and bringing best business management practices to the table.
196	The stewardship of the Capitol Complex is important to me, it is important to the
197	Congress, and it is important to the Nation and it is equally a very unique challenge.
198	And this challenge is amplified by the historic significance and iconic nature of our

buildings, landscape, and the aging physical infrastructure, as well as the day-to-day

requirements of the Congress.

Chief among these challenges is the significant backlog of deferred maintenance and capital renewal projects totaling today in excess of \$1.5 billion over the next ten years, as well as security, life safety, and accessibility and environmental requirements.

To assist us in our efforts to address this backlog of projects, we have successfully developed and implemented a robust and balanced process to prioritize projects based on a facility's condition assessment and the level of maintenance required in any given building.

And this process uses several tools including facility condition assessments, the

Capitol Complex Master Plan, jurisdiction plans, among other criteria.

The component that provides us and the Congress with the big picture, the 20-year look ahead that queues up priorities and investments and projects is this Capitol Complex Master Plan. The Master Plan and the other prioritization tools provide Congress with concrete, practical assessments of our infrastructure and by using these tools Congress can make wise investments in the Capitol Complex in the future.

Mr. Chairman, great organizations are made of great people and to ensure that the AOC is an employer of choice, I have set out to invest in our most valuable assets, our employees. And it is my responsibility to provide them the right tools, the right equipment, and the right training to allow them to build on our successes and to be the best of the best. In that regard, I have implemented a number of workforce programs to provide greater flexibilities including a telework program, a flexible work schedule program, a student loan repayment program among many other initiatives that they so richly deserve.

And I am committed to using sustainable design practices whether we are building a new facility or maintaining one that is over 200 years old. And with the support of Congress we have implemented a number of programs and projects designed to save energy and conserve our natural resources.

Last year we entered into energy savings performance contracts for the Senate, the House, and the Capitol buildings that include \$93 million in planned facility energy-related upgrades. And these are really important public/private partnerships that will help us and the Congress achieve its energy reduction goals.

To ensure that we continue to see a reduction in energy consumption, we are evaluating proven technologies that can be implemented in our continued effort to increase energy efficiencies across the Capitol campus. Among the options being considered is co-generation, which simultaneously generates both electricity and heat, as well as the use of biofuels in our Capitol Power Plant. Moving in a more sustainable direction will enhance our efforts to meet energy reduction mandates as well as provide higher energy system security and reliability with lower overall costs.

This year the agency will be updating our Strategic Plan to set new goals and priorities that will drive our organization for the next five years.

Consistently an overwhelming majority of our customers have said that they are satisfied or very satisfied with the services the Architect provides in our annual surveys. However, as one of my favorite authors points out, Jim Collins, the challenge before us is not to let good get in the way of great. And I will not be satisfied until we are able to achieve that 100 percent satisfaction rating.

And should this committee recommend that I be confirmed to the full Senate, I will be honored to continue to work beside the very talented men and women that make up this great team of the Architect of the Capitol. And thank you, and I would be happy to answer any questions you may have.

[The prepared statement of Mr. Ayers follows:]

Senator Pryor. Thank you. And let me start with one question and that is in 2003 Congress directed the Architect to the Capitol to complete a 20-year Capitol

Complex Master Plan.

Could you give us a status report on that and tell me if it is not completed when it will be completed?

Mr. Ayers. Well, certainly Mr. Chairman the Capitol Complex Master Plan is a really important tool, not just for the Architect, but for the Congress as a whole. And it provides a road map of facilities for the next 20 years and it is so important for us to look ahead so that we can ensure that we provide the facilities necessary for the Congress to conduct its business and we do not get ourselves in the situation where we have to close a building or we are so overcrowded that the Congress cannot effectively conduct its business. So that is really the overarching purpose for the plan.

And today, we are nearly finished with the plan. We have been at it for several years and we are nearly finished. The plan is made up of nine individual plans. Of course, one for the Senate and one for the House and Capitol and the Library and the Supreme Court among others. And among those, two of those nine plans have been approved. Three of them are awaiting approval and are before the Congress now awaiting approval. And four of them we are still working on and nearing completion.

And I suspect it will be at least another year before we are able to complete those and gain the approval and imprimatur of the Congress.

Senator Pryor. I notice that the AOC budget request for FY2011 included a 25 percent increase over the FY2010 funding levels. Senator Nelson who is the Chair of the Legislative Branch Subcommittee on the Appropriations Committee has said that he

wants a flat budget for FY2011.

274 If confirmed, how do you plan to move the agency forward if you have a flat 275 budget?

Mr. Ayers. A flat budget for us, Senator Pryor, is a cut of \$155 million out of our FY2011 budget request. So a cut that significantly, I think, is going to take strong leadership, it is going to take tough decisions, and it is--I think, going to take partnership with the Congress. We have laid out a plan to do that and have submitted that to Chairman Nelson.

And I think we have taken a good approach. The first is to look at the money that Congress has already provided the Agency and we were able to drive \$15 million out of that to apply towards that FY2011 budget request. Similarly, we looked carefully at our Operations part as the Architect's budget is really made up of our Operations piece; salaries and expenses, and then our projects. So we were able drive another \$14 or \$15 million out of our Operations request.

And then the rest of it is simply projects that must be deferred or projects that have to be broken down into smaller pieces and phased and I think we have laid out a smart plan to be able to do that if that is the way that our 2011 budget turns out.

Senator Pryor. This will be my last question, because I want to hear from my colleagues, but I do not want to revisit all of the details of the building, the process of the Capitol Visitor Center, but you know, it started out as a \$265 million building. It was supposed to be ready for the January 2005 Presidential Inauguration. Over time it

became a \$600 million building and it was finally opened in December of '08 for the '09 Inauguration.

I know that you have another big project on the horizon, the Cannon House

Office Building. Are there lessons learned from the CVC and that whole process, were
there lessons learned there that we can apply to the Cannon remodel and what would
those be?

Mr. Ayers. I think there are Mr. Chairman and I think that is a really important point that to be a great organization, we have to be able to look at ourselves in the mirror. We have to be our own worst critics and learn from ourselves and ensure that we have a system of continual learning and continual improvement.

And I am really proud of the fact that I believe that we as an organization do have that mantra. We have looked very carefully at the Capitol Visitor Center and taken it apart piece-by-piece to understand where those cost overruns and where those time delays have happened. And I think they really come down to a couple of overarching themes.

One, of course, is we have to be tenacious about defining the scope of a project up front before we start construction and we are set out to do that with the Cannon Building renovation. I think secondly, we have to have a rigorous change management process that when we are asked to make changes on a construction project while we are in construction, that we effectively communicate to the Congress the cost and schedule impact of that and that we are able to communicate to the highest levels of Congress

the cost and schedule impact of changes while we are in construction.

And I think those are the two sort of overarching lessons learned. We have got a great document that we have partnered with the Government Accountability Office to develop other lessons learned, but I think those are the two most important that I take away from that project.

Senator Pryor. Senator Bennett.

Senator Bennett. Thank you very much Mr. Chairman.

In my experience dealing with these issues now, yes we have to keep the lights on and the function going, but you have two areas that are unique to this architectural situation that you do not find in a typical office building or college campus or whatever you may want to compare this to. And they are historic preservation and security.

There are some places where you simply say this building does not fit our needs anymore so we will tear it down and build a new one. You cannot do that with the Capitol. The necessity for historic preservation is there and we have to keep using it even as we are preserving a building that is as old as this one.

And then the second one that came home to us very dramatically after 9/11 was security. So I would like to talk a little bit about both of those areas and let's start with security. I have become a bit of a nag on the issue of the Capitol Police and the unification of the Capitol Police Service so that it includes the Library of Congress and other things. And I would like an update on where you think that is going and how it is working.

And particularly, let's talk about the Capitol Police Radio Project, which I understand is to be completed by March of 2011. And are we on track for that? And what are we going to get out of that in terms of increased security for the campus?

Mr. Ayers. You mentioned two things. The first is the integration of the Library of Congress Police Force with the United States Capitol Police Force and obviously I sit with the Senate and House Sergeant of Arms on the Capitol Police Board and have been responsible with the Chief to pull those forces together and I think it has been a good process and quite frankly, better than we expected it to be. And they are fully integrated now and it really seems to be working well. And the three of us on the Board stay in very close contact with the Chief on this particular issue and the Chief as well is very comfortable with the integration of those new officers into the United States Capitol Police.

The second issue you mentioned Senator Bennett, is this very, very important radio project for the Capitol Police. That the current radios with the Capitol Police are not secured and secondly, they are not able to join in with other local and federal law enforcement officials on their network.

So we are working, the Architect's Office is working very closely with the Capitol Police on the implementation of a new digital, encrypted radio system for the United States Capitol Police. And our portion of that work is to assist in managing the technical design aspect, as well as the installation of that radio system whether it is exterior building antennas or interior building antennas throughout the Capitol

Complex.

So that process is going smoothly. We do not see any delays or cost overruns on that job. It is being effectively managed and we are very, very carefully watching where the designers are placing their antennas both inside and outside to ensure that we do not do any harm to any of the historic or historically significant portions of any of the buildings across the Capitol Complex, not just the Capitol building.

Senator Bennett. Yeah. Can you talk about the dome renovations and rehabilitation?

It seems like the dome is always being rehabilitated. The whole I have been here there has been work on the dome, but where are we with respect to that?

Mr. Ayers. We have got a couple of things that we know we need to do to the dome. Just this year we are doing an interim painting and caulking and that is to buy another two or three years before we believe we are going to have to take the paint off of the dome and completely repaint the dome and fix many of the deteriorating architectural elements that are part of that dome.

That has not happened since the East Front Construction, which I believe was 1960s, early '60s, that has not happened. And there are some great photographs of the dome as how it looked with its red rust coating, rust preventative coating back in the '60s. We need to do that again and our plans are to do that within the next three to four years. Take all of that lead-based paint off of the Capitol dome and repaint it and reseal it. And that is a significant project to the tune of maybe \$100 million that

needs to be invested back into the Capitol dome.

But obviously it is our symbol of representative democracy and the most recognizable symbol in the world and I am confident together with the Congress we will make the appropriate investments there.

Senator Bennett. Thank you. Thank you Mr. Chairman.

Senator Pryor. Did you have any other questions? Are you sure?

Let me ask one last question and that is about the greening of the Senate program that you have been involved with. And I know that there is some sort of energy savings performance contract that you have entered into and it sounds like that you are ahead of your goal in terms of reaching your energy savings goal for the Senate.

Will that continue? Will we continue to exceed that goal or kind of once we hit the goal do we stop doing what we are doing or do we always try to become more efficient and save taxpayer dollars and greenhouse gas emissions?

Mr. Ayers. Thank you Mr. Chairman. Our legislative mandate with the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007 requires us to reduce energy intensity three percent per year for a total of ten years for a total of 30 percent reduction in the Senate office buildings and we are on track to do that. And for the first four years of that program we have met or exceeded our goals and we expect the next year or two to be under our goal, but ultimately to come back and then meet our goals again for the rest of the duration. And at the end of that ten year period we will have met or exceed that 30 percent reduction.

399	But our biggest effort to increase sustainability are these energy savings and
400	performance contracts and we are implementing those right now in the House and
401	Senate and Capitol and as those construction efforts take place, our reduction will dip a
402	little bit until those construction projects are complete and once they are complete they
403	will begin to save more energy and we will then exceed our goal and ultimately end,
404	meet our 30 percent reduction goal. And we are very confident that we will be able to
405	do that.
406	Senator Pryor. Great. Senator Bennett, you do not have any other questions?
407	Well, I want to thank you on behalf of the Rules Committee for your testimony
408	this morning. The record will remain open for five business days for additional
409	statements. The Committee plans to consider this nomination in a timely manner so
410	the Senate can confirm Mr. Ayers as the next Architect of the Capitol.
411	Since there is no further business before the Committee, the Committee is
412	adjourned subject to the call of the chair.
413	Mr. Ayers. Thank you.
414	Senator Pryor. Thank you.
415	[Whereupon, at 10:36 a.m., the committee recessed, subject to the call of the
416	Chair.]